

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the above amendments and following remarks, which place the application into condition for allowance.

I. STATUS OF CLAIMS AND RECORD OF TELEPHONE INTERVIEW

Claims 1 and 5-10 are pending in this application. Claims 6-10 have been withdrawn from consideration. Claims 2-4 have been canceled in a previous Amendment. Claims 1 and 5 are rejected in the Final Office Action mailed on March 17, 2006. By this amendment, claim 1 is amended as indicated above. No new subject matter is added as a result of the claim amendments.

Applicants' attorneys would like to thank the Examiner for granting an After-Final telephone interview on June 9, 2006 with Applicant's representatives R. Santucci and A. Mustillo during which the Final Office Action mailed on March 17, 2006 and the references cited therein were discussed. Initially, the proposed claim amendments that were faxed to the Examiner on June 6, 2006 were discussed. The proposed amendments added a "locking device means" limitation to claim 1 as well as recited that "said pin engages said locking device means." The Examiner indicated that the new limitations are considered to be subject matter that raises new issues that would require an additional search. Therefore, the amendments would not be entered without the filing of an RCE. The Examiner also indicated that the proposed claim amendments would probably not traverse the rejections set forth in the Final Office Action.

Additional claim amendments were also discussed, however, no agreement as to specific claim language was reached. The Examiner suggested that if the Applicant does not want to file

an RCE, Applicant's attorneys may want to consider filing a Pre-Appeal Brief Conference Request.

II. THE REJECTIONS UNDER 35 U.S.C. § 103(a)

In the Office Action, claim 1 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,036,154 to Pearce ("Pearce") in view of U.S. Patent No. 3,322,451 to Bredemus ("Bredemus"). In addition, claim 5 is rejected in the Office Action under § 103(a) as allegedly being unpatentable over Pearce in view of Bredemus, and further in view of U.S. Patent No. 6,585,215 to Duncan ("Duncan"). The rejections are traversed for at least the following reasons.

As recited in revised claim 1 of the instant application is directed to a hugger ceiling fan anchoring bracket and housing assembly comprising, *inter alia*, :

a fan anchoring bracket comprising a hook-up means, a stationary lock-up means and a stationary locking device housing engaging flange, wherein said stationary lock-up means comprises a locking plate mounted on the anchoring bracket and a pin protruding therefrom through a coil spring; whereby said spring biasing action exerted by the lock-up means is achieved by said coil spring cooperatively urging said pin against said corresponding hole on the fan housing and wherein said pin engages a hole in said stationary locking device housing engaging flange.

(Emphasis added). The fan anchoring bracket is depicted as element 20 in Figure 2A and includes an anchoring plate 24 that is secured to a ceiling with screws. *Instant Application*, page 7, lines 9-12. The stationary lock-up means or locking device 10 is comprised of essentially three components: (a) lock-up pin 12; (b) coil spring 18; and (c) L-shaped locking plate 14 as indicated in Figure 4a. *Id.* at page 8, lines 4-18. In order to hold the lock-up pin 12 in position so that it engages the lock up engaging hole 34 in the motor housing 30, a locking device housing engaging flange 22 is used. As can be seen in Figure 2A, the components that make up

the locking-up means 10 and the locking device housing engaging flange 22 are all attached or included on the anchoring plate 24 that is secured to the ceiling. Consequently, all of these parts remain stationary when the motor housing 30 is being rotated up to engage the lock-up means, thereby completing installation of the housing.

Applicant's attorneys respectfully submit that Pearce in combination with Bredemus and Duncan fail to disclose or suggest the claimed invention. The Office Action asserts that Pearce discloses all of the limitations of claim 1 except for the locking plate, coil spring and pin. In an attempt to cure the deficiencies with Pearce, the Examiner cites Bredemus in combination with Pearce, where Bredemus is cited for teaching that it is known to have a bracket with a lock-up means comprising a locking plate and a pin protruding therefrom through a coil spring. The Action then asserts that it would have been obvious to a person ordinarily skilled in the art to modify Pearce in view of Bredemus in order to yield the claimed invention. *Office Action*, page 3. Combining these references as suggested by the Examiner does not yield the instantly claimed invention.

As depicted in Figure 1 of Bredemus, the mechanism, which includes a latch bolt 12 that is normally urged by a spring 13 to an extended position so that it will seat in a latching hole or recess 14 in the doorway frame when the door 10 is closed, is included in the door. *See Bredemus*, col. 1, line 71 to col. 2, line 4. Therefore, the latch bolt and the spring, which the Examiner equates to the lock-up means of the instant invention, are not stationary because they are included on the door which must be swung into a closed position to engage the recess in the doorway frame.

Furthermore, Applicant's attorneys respectfully submit that none of the cited reference disclose or suggest the use of a "locking device housing engaging flange" in order to hold a lock-

up means in position to engage a lock-up engaging hole 34 on a motor housing 30. *See Instant Application*, page 7, line 23 to page 8, line 3.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation to modify the reference or to combine reference teachings either in the references themselves or in the general knowledge available to one of ordinary skill in the art; second, there must be a reasonable expectation of success; and third, the prior art reference or references must teach or suggest all the claim limitations. M.P.E.P. § 2143. It is, however, impermissible for the Examiner to use hindsight based on an Applicant's disclosure to determine that an Applicant's invention is obvious in view of the cited art. M.P.E.P. § 2142. The motivation or teaching to make the claimed combination by modifying or combining prior art references must be found in the prior art and not in the Applicant's disclosure. *In re Vaeck*, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). Because none of the cited references disclose or suggest a stationary lock-up means that engages a hole in a stationary locking device housing engaging flange, and because the motivation for modifying the cited references to achieve the instantly claimed invention is found only in the Applicant's disclosure and not in the prior art, the Section 103 rejections must fail as a matter of law.

For at least the foregoing reasons, Applicant's attorneys respectfully submit that claims 1 and 5 patentably distinguish over the relied upon portions of Pearce, Bredemus and Duncan, either alone or in combination and are therefore allowable. Consequently, reconsideration and withdrawal of the Section 103 rejections is earnestly requested.

Statements appearing above with respect to the disclosures in the cited references represent the present opinions of the Applicant's undersigned attorney and, in the event that the Examiner disagrees with any such opinions, it is respectfully requested that the Examiner

specifically indicate those portions of the respective reference providing the basis for a contrary view.

CONCLUSION

In view of the foregoing, it is believed that all of the claims in this application are patentable over the prior art, and an early and favorable consideration thereof is solicited.

Please charge any fees incurred by reason of this response and not paid herewith to Deposit Account No. 50-0320.

Respectfully submitted,
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